

INTERIM REPORT OF SUPREME COURT MUNICIPAL DIVISION WORK GROUP

SEPTEMBER 1, 2015

The Supreme Court Municipal Division Work Group met by conference call on July 2 and August 3, 2015, has been accumulating information concerning the current operation of municipal divisions and identifying issues that the work group should examine. The information includes pertinent provisions of the constitution, revised statutes, court rules, recent legislation, correspondence received as the result of the Court's solicitation of comments and other comments submitted, the Department of Justice report concerning Ferguson, reports from the Office of State Courts Administrator and National Center for State Courts, a report on court costs by an ad hoc committee established by the Office of State Courts Administrator, a review of the municipal court for Kansas City, and an analysis by the Advisory Committee concerning ethical issues that may be present when an attorney serves in multiple capacities in different municipalities. Members of the work group also are aware of the work of the St. Louis County Municipal Courts Improvement Committee and recent litigation concerning the city of Jennings.

The work group is also aware of expected reports from the Ferguson Commission and the National Center for State Courts that have not yet been finalized that may be of benefit to the work group's study.

The work group has noted the following issues that may be appropriate for study:

1. Conflicts of interest by judges and staff serving multiple municipal division roles;
2. Establishing rules for defining "indigency;"
3. Consolidation of municipal divisions;
4. Financial incentives when municipalities derive revenue from law enforcement and court activity;
5. Selection and supervision of municipal judges and staff;

6. Proper access to court proceedings and access to and maintenance of court records;
7. Use of warrants;
8. Remedies for nonpayment and enforceability of judgments;
9. Alternatives to monetary sanctions and use of diversion;
10. Increasing public understanding of court processes;
11. The effects of Senate Bill No. 5 on municipal budgets and recent rule changes;
12. Ensuring adequate time and space for court proceedings.

As the work group receives additional information and performs additional study, the list may expand consistent with the Court's charge to the work group.

Consistent with the Court's order to have at least one public hearing, the work group is planning to hold three hearings – in Springfield, Kansas City, and St. Louis. By having geographically diverse meetings, the work group believes participation will be enhanced. The dates and exact locations of the public hearings are being finalized.

In light of the Court's deadline of December 1, 2015, to file a final report and the large number of issues identified, the Court may wish to identify those issues, either listed above or independently determined, that the Court would find most beneficial for the work group to study.